

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HEDGEYE RISK MANAGEMENT, LLC,

:
Plaintiff,

:
- against -

DARIUS DALE,

:
Defendant.

21-CV-3687 (ALC) (RWL)

:
ORDER

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ROBERT W. LEHRBURGER, United States Magistrate Judge.

This resolves the issues regarding use and publication of discovery information as most recently described in the parties' joint submission filed on February 23, 2022 (Dkt. 187):

1. As previously ordered orally, the parties may not use any materials produced by the other party in discovery for any purpose other than this litigation.
2. Any materials or information containing or reflecting personal information of or about Defendant Dale recovered from the laptop computer returned to Hedgeye by Defendant Dale shall be treated as Confidential under the Protective Order and shall not be publicly disseminated.
3. Any information from Dale's Hedgeye personnel file shall be treated as Confidential under the Protective Order and shall not be publicly disseminated.
4. Documents and Information that were not previously designated confidential before use and disclosure in the complaint filed in *Hedgeye v. Terman / Solstein Capital* have already been publicly disclosed therein. The issue of whether they should be retroactively redesignated is moot.

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5. The parties shall meet and confer to discuss a protocol to address confidentiality designations with the goal of avoiding piecemeal applications for redesignation.

6. None of the foregoing shall prohibit or limit disclosure of information that a party is legally required to disclose.

7. Request for any other relief set forth in Dkt. 187 is denied without prejudice. The Court expects all parties to refrain from inaccurately portraying this litigation.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: February 24, 2022
New York, New York

Copies transmitted this date to all counsel of record.